

**REMARKS**

This Amendment includes text of the Amendment dated December 22, 2004 (First Amendment) that was filed in response to the Office Action of August 25, 2004. A Notice of Non Compliant Amendment dated January 12, 2005 was issued due to the First Amendment not including a listing of claims 1-33 as being canceled. Accordingly, the Claims Section of this Amendment lists claims 1-33 as "canceled." Therefore, the reason for the First Amendment being non compliant has been overcome.

Claims 34-69 are pending. Claims 1-33 and 65-69 are being cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 34, 44, 48, 49, 50, 51, 53, 54, 56, and 62 are being amended. No new matter is being added.

Claims 34, 36, 38, 39, 42, 55, 57, 65, 67, and 68 stand rejected under 35 U.S.C. 102(b) as being anticipated by Malhi, U.S. Pat. No. 5,696,010 (Malhi). Claims 34, 44-54, 56, 61, 62, and 64 stand rejected under 35 U.S.C 102(e) as being anticipated Kim et al., U.S. Patent No 6,087,232 (Kim). Claims 37, 40, 43, 66, and 69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Malhi in view of Yasuhara et al, U.S. Pat. No. 6,353,252 (Yasuhara). Claims 34-40, 42, 45, 48-50, 55, and 57-68 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tung, U.S. Pat. No. 6,110,803 (Tung) in view of Kitamura et al., U.S. Pat. No. 5,844,275 (Kitamura). Claims 43 and 69 stand rejected as being unpatentable over Tung taken with Kitamura and further in view of Yasuhara. Claim 41 stands rejected as being unpatentable over Tung taken with Kitamura and further in view of Ishikawa, U.S. Pat. No. 6,277,706 (Ishikawa).

As set forth above, dependent claims 44, 51, 53, and 56 stand rejected only under 35 U.S.C 102(e) as being anticipated Kim. These rejections are being traversed for at least the reasons set forth below.

Pending claim 34 is being amended to incorporate limitations of pending claim 53. Pending claim 44 is being amended to incorporate limitations of pending claim 34. Pending claim 51 is being amended to incorporate limitations of pending claim 34. Pending claim 56 is being amended to incorporate limitations of pending claim 34.

In contrast to the present invention, Kim does not disclose or suggest "forming an electrically floating region in the substrate and contiguous with the non-electrically conductive region," all as recited by amended claims 34, 44, 51, and 56.

Section 3 of the Office Action identifies item 25 of Kim as an electrically floating region. Section 3 of the Office Action further states that p-type region 25 of Kim "is considered as an electrically floating region because it helps the drift region (22) to be easily depleted, and when the drift region (22) is fully depleted p-type region (25) is electrically floated above channel region (21)."

Applicants respectfully submit that the characterization of p-type region (25) as an electrically floating region is incorrect. Kim explicitly describes forming an opening in interlayer dielectric film 32 and then forming a metal interconnection (e.g. like structure 33) on region 25 through the opening. See also Figure 2h of Kim showing a metal interconnect (e.g. formed from the same material as structure 33) on region 25. Accordingly, the characterization of region 25 as electrically floating in the Office Action is incorrect.

Regarding the statement in Section 3 of the Office Action "when the drift region (22) is fully depleted p-type region (25) is electrically floated above channel region (21)," Applicants respectfully request the Examiner to point out where Kim states this. Because region 25 of Kim is not an electrically floating region in the substrate and contiguous with the non-electrically conductive region, claims 34, 44, 51, and 56 are allowable over Kim.

Each dependent claim in this application depends from an independent claim and is therefore allowable for at least this reason.

Applicants respectfully point out that the amendments to claims 34, 44, 51, and 56 include limitations that were present in the pending claims. Accordingly, these amendments should not necessitate a new search. Thus, any new rejection of these claims should not be set forth in a Final Office Action.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc..

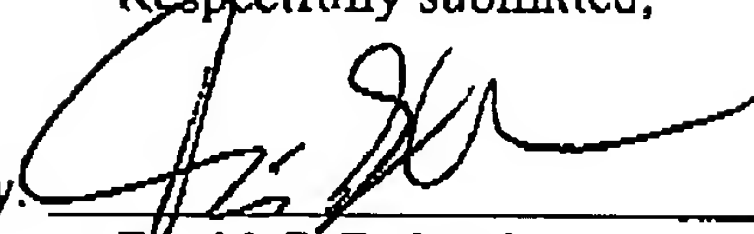
SEND CORRESPONDENCE TO:

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Respectfully submitted,

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